UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,350	04/18/2001	Brett B. Bonner	2100.0066	8729

22852 7590 08/09/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
JENKINS, KIMBERLY YVETTE	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/836,350
Filing Date: April 18, 2001
Appellant(s): BONNER ET AL.

Atty. Leila Abdi
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 8, 2006 appealing from the Office action mailed September 8, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1-20 and 26-28.

Claims 21-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, because prior art of record does not expressively disclose the following:

- Claim 21: the random generation of an encryption key combined with a third key.
- Claim 22: the encryption key added to a fourth key.
- Claim 23: the third key as being the address to the designated area.
- Claim 24: the first key comprising an agent code, the address, and an access date, and the encryption key therewith.
- Claim 25: the second key with the agent code, the address and the access date and the encryption key therewith.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The grounds of rejections on appeal that has been withdrawn are the rejections of claims 21-22 under U.S.C. 103 as

being unpatentable under Holcomb in view of Lee, and the rejection of claims 23-25 under U.S.C. 103 as being unpatentable over Holcomb in view of Lee et al. in further view of Porter.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5670940	Holcomb et al.	9-1995
6367011	Lee et al.	4-2002
5774053	Porter	6-1998
6484260	Scott et al.	11-2002

(9) Grounds of Rejection

1. Claims 1-3, 12 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Holcomb et al. (US 5670940).

Regarding claims 1, 12, 20, Holcomb, who teaches an electronic lock system with occupancy block, teaches a secured area (hotel room, etc.) having a security device 2 (electronic lock col. 4, lines 14-18). Holcomb also teaches a programming unit (key-generating station at the front desk: col. 1, lines 18-20) that generates a first and second key (access code) to a designated area (room) (col. 1, lines 13-33). Holcomb also teaches

a programmable tag (card) that stores the access code (col. 1, lines 23-26). Also, Holcomb teaches a validation system, which is located in the electronic lock at the designated area, which stores the validation key (programmed access code) and compares the access key of the programmable unit within the access key stored within the memory in order to allow access to the designated area (col. 1, lines 28-40).

Regarding claim 2, Holcomb teaches the programming unit (key generating station) and the programmable unit (card) as being integrated in a single unit in that the programmable unit (col. 1, lines 23-26).

Regarding claim 3, Holcomb teaches the system wherein the control unit is a microprocessor (col. 4, lines 48-53).

2. Claim 4, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holcomb et al. (US 5670940) in view of Lee et al. (US 6367011).

Regarding claim 4, Holcomb teaches a memory within the system, but does not disclose the memory as being non-volatile.

However, Lee teaches the system, wherein the memory is a nonvolatile memory (col. 5, lines 4-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the memory to be non-volatile as Lee teaches into the memory of Holcomb, because Holcomb simply discloses a memory that stores codes, whereas Lee discloses a non-volatile memory, which is highly beneficial in the event of power loss.

Regarding claim 9, Holcomb teaches the validation system as including a slot for the programmable unit to be inserted on the exterior of the designated area (room) (col. 4, lines 39-47); however, Holcomb does not disclose a proximity detector causing the communication device to initiate the wireless data communication with the programmable tag upon detecting an object outside the designated area.

However, Lee teaches a smart card, which is passive, that may interface with a variety of devices in order to gain access via the wireless communication (col. 4, lines 35-42). Furthermore, it is well known to one skilled in the art to know that a smart card, which is passive, utilizes proximity detection in order for the card to be read by a reader. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the proximity detector of Lee into the system of Holcomb, because Holcomb teaches a card reader in that which the card is inserted, whereas Lee teaches a passive device, which is known to one skilled in the art to utilize proximity detection in order to reader the signal from the programmable unit.

Regarding claim 14, Holcomb teaches a first and second key that is programmed on to the programmable unit and the electronic lock (col. 1, lines 34-41); however, Holcomb does not disclose the programmable unit to generate an encryption key that is to be included into both the first and second key.

However, Lee teaches that a variety of encryption keys may be generated that are used for the card (col. 7, lines 48-52). In addition, Lee expressively discloses the encryption key as be included in both the first and second key in that which the card receives the encryption and the location that requires the card will also receive the encryption key (col. 8, lines 20-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have an encryption key included in to the generated keys as Lee teaches into the coding of Holcomb, because Holcomb discloses a first and second key, whereas Lee disclose an encryption code that is included within the first and second key as a means to protect the data on the card.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holcomb in view of Scott et al. (UD 6484260).

Regarding claim 13, Holcomb discloses the security device as being an electronic lock 2 of a door (col. 3, lines 61-66 and Fig. 1). However, Holcomb does not disclose the security device as being a garage door opener.

However, Scott, who teaches a personal identification system for secured facilities, expressively discloses the security device as being a garage door opener (GDO) (col. 4, lines 61-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the GDO to be operated according to the system of claim 1, because Holcomb teaches the security device as

being an electronic lock on doors, whereas Scott discloses a variety of secured areas including the GDO, which may also require more than one person to gain access to provide more security to the controlled area.

4. Claims 5-8, 10-11, 15-19, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holcomb in view of Lee (hereinafter Holcomb) in further view of Porter (US 5774053).

Regarding claims 5-7, Holcomb discloses a system wherein there is communication between the programmable tag and the terminal (col. 5, lines 26-31); however does not disclose transceivers.

However, Porter, who teaches a storage device with an electronic lock, expressively discloses a communication device includes a transceiver to establish a wireless data communication with a corresponding transceiver included in the programmable tag 48 (col. 6, lines 27-29). Furthermore, it is known to one skilled in the art for the radio frequency transceivers to have an antenna to transmit and receive the RF signal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize an RF transceiver of Porter into the system of Holcomb, because Holcomb teaches a programmable unit in the embodiment of a card, whereas Porter discloses a transceiver as another means to gain access to a controlled area.

Regarding claim 8, Holcomb teaches the validation system as including a slot for the programmable unit to be inserted on the exterior of the designated area (room) (col. 4, lines 39-47); however, Holcomb does not disclose a proximity detector causing the communication device to initiate the wireless data communication with the programmable tag upon detecting an object outside the designated area.

However, Lee teaches a smart card, which is passive, that may interface with a variety of devices in order to gain access via the wireless communication (col. 4, lines 35-42). Furthermore, it is well known to one skilled in the art to know that a smart card, which is passive, utilizes proximity detection in order for the card to be read by a reader. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the proximity detector of Lee into the system of Holcomb, because Holcomb teaches a card reader in that which the card is inserted, whereas Lee teaches a passive device, which is known to one skilled in the art to utilize proximity detection in order to reader the signal from the programmable unit.

Regarding claims 10-11, Holcomb the validation system as being within the lock, which comprises a slot to read the first key of the programmable card (col. 4, lines 38-42); however, Holcomb does not disclose an input device, such as a keypad.

However, Porter teaches an input device as a keypad 26 for entering a second key that is compared to the stored key within the memory of the controller (validation system) (col. 4, lines 10-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the input device to be included within the system to enable one to enter a key (code) as Porter teaches into the access control system of Holcomb, because Holcomb teaches a card reader that compares the first and second keys, whereas Porter discloses an input device (keypad) as a means to enter a second key.

Regarding claims 15-16, Holcomb teaches a means to prevent personnel from gaining access to the designated area (room) when it is occupied (col. 6, lines 28-37); however, Holcomb does not disclose a pre-determined time period of which the termination is to occur.

However, Porter teaches the control unit causes the security device 22 (lock) to terminate the access to the designated area 10 after a predetermined period of time, for the controller 46 may be equipped to an audio indication for security or be programmed to send a message to law enforcement as a means to prevent unauthorized users from tampering with the designated area (col. 6, lines 56-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a pre-determined time period in order to gain access as Porter teaches into Holcomb, because Holcomb teaches a means to prevent others to gain access while the room is occupied, whereas Porter discloses a means to prevent unauthorized individuals from tampering, vandalizing, or stealing from the designated area.

Regarding claims 17-19 and 26-28, Holcomb discloses the ability for one to activate the lock of the designated area in the event of the vacancy (col. 6, lines 28-37); however, Holcomb does not disclose a clock to determine time and date of access that is to be stored within the memory.

However, Porter teaches the control unit includes a clock to determine the time and date of the access (col. 6, lines 43-46). Porter also teaches that the controller 46 has the ability to activate a unit at a pre-determined time, thus indication a clock means. Furthermore, Porter discloses the control unit 46 as storing the time and date of access in the memory by each user (col. 5, lines 60-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a clock means for the history of access to the designated area as Porter teaches into Holcomb, because Holcomb simply discloses a card reader system, which is well known to maintain a history log of access; however, Porter discloses the history log of access to the designated area to monitor the access flow to the controlled area.

(10) Response to Argument

Regarding claims 1-3, 12, and 20, the Appellant argues that the applied reference does not anticipate the claims. On p. 19, lines 6-22, the Appellant argues that Holcomb does not disclose the "signal that causes the algorithm used...to generate an access key" and does not disclose the generation of a validation key using a second key. However, Holcomb expressively discloses a first key, which is the input that drives the algorithm to produce the access code that is transferred from the key-generating station at the front desk: col. 1, lines 18-20) to the programmable tag (col. 1, lines 23-26), which is the first location to receive the access key, and is derived from the first key. The second

key, which is the input that drives the algorithm to produce the code to the validation unit (the electronic lock, permits access upon the reception of validated data – matching keys/codes, col. 1, lines 28-40), and the validation unit is the second location that receives the generated key. In turn, algorithms will not operate unless there is an input, wherein the input is utilized by the key generating station. The input to program the key is the first key, whereas the input to program the lock is the second key.

Regarding claim 8, the Appellant argues on pp. 28-30 that the Lee reference does not remedy the deficiency within Holcomb regarding the tag having proximity detection. Being that Lee discloses a passive programmable tag, which needs to be in pre-determined proximity in order to communicate (col. 5, lines 20-23; close coupled interface); the Lee reference reads on the limitations within claim 8 regarding the proximity detection. Additionally, it is well known to one skilled in the art to know that passive transponders (tag) need to collect sufficient radiated energy from the tag reader, which transmits its energy via the antenna. The energy that is emitted from the antenna goes outward in all directions. Within the range from the antenna, the tag must be a reasonable distance in order for the antenna of the tag to collect/receive the transmissions for the reader in order to be activated.

The Appellant's arguments with respect to claims 4-7, 9-11, 13-14, and 17-19 are also not persuasive for the same reasons give with respect to claims 1-3, 12, and 20 as evidenced by Holcomb.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Examiner Kimberly Jenkins

JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Conferees:

Michael Horabik

Jeffrey Hofsass

Brian Zimmerman

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

BRIAN ZIMMERMAN
PRIMARY EXAMINER